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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,427	12/04/2003	Leonard Frank	3922/43CON	9448
29858	7590	04/22/2004	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			KIM, AHSHIK	
900 THIRD AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			2876	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,427

Applicant(s)

FRANK ET AL.

Examiner

Ahshik Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/04/03 (Continuation of 09/451,207).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continuation Data*

1. Acknowledged this application is a continuation application of U.S. Serial No.  
5 09/451,207 filed on December 02, 1999, now abandoned.

### *Drawings*

2. Submitted drawings are acceptable for examination and publication. However, labels  
(numbered items) in the drawings appear to be informal. Applicant is respectfully requested, in  
10 response to this Office Action, to indicate whether the submitted drawings are formal drawings.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

15 A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- 20 4. Claims 1, 2, 4, 5, 7-20, 22, 23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being  
anticipated by Gebb (US 6,067,532, “Gebb” hereinafter).

Gebb teaches a method and system for obtaining counterfeit resistant documents,  
comprising: a user 20 ordering the document (in this case, an event admissions ticket) using a  
25 device over an open communications network 40 from a seller’s device 10; assigning unique

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information to the document; and electronically transmitting the document information to the user, such information being the time and date of the event and seat information (see figure 1 and col. 5, lines 7-24). It is further disclosed that the information on the ticket can be in the form of machine-readable code (col. 3, lines 34-40 and col. 7, lines 14-20). The ticket can be printed at output device 80 for the user (col. 5, lines 50-51 and col. 7, lines 5-7), which may also consist of a fax machine (col. 4, line 2). The communications network may use the Internet, with the user device as a PC and the seller device as a server (col. 4, lines 1-16). The user may use a credit card to purchase the ticket (col. 5, lines 1-6), possibly over the telephone (col. 4, line 2).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb (US US 6,067,532,) in view of Walker et al. (US 6,193,155, "Walker" hereinafter). The teachings of Gebb have been discussed above.

Gebb however fails to specifically teach or fairly suggest that the document is a gift certificate.

Walker teaches a method an apparatus for issuing a gift certificate or event ticket from a location, the documents containing a bar code or magnetic stripe (see abstract; col. 9, lines 29-34; and claim 13).

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In view of Walker's teachings, it would have been obvious to an ordinary skill in the art at the time the invention was made to further incorporate gift certificate printing capability to the teachings of Gebb in order to diversify and expand the usage of the system. As disclosed in Gebb (col. 3, lines 29+), tickets for events such as concert or sporting event are often given as a gift. Accordingly, one ordinary skill in the art would contemplate using the infrastructure of Gebb to enable the users to purchase gift certificate, and electronically transmit them to the recipients. Gift certificate provides more freedom to the recipients as to how they spend it. Therefore, it is the Examiner's view that such modification would have been an obvious expedient, well within the ordinary skill in the art.

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### ***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kay (US 6,223,166); Hiroya et al. (US 5,754,654); Walker et al. (US 6,240,396) disclose electronic ticket systems. Applicant is respectfully suggested to carefully review these references.

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II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim  
Patent Examiner  
Art Unit 2876  
April 13, 2004

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